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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------------------------------------------------------------------------|-------------|----------------------|-----------------------|------------------|
| 10/501,075 | 07/09/2004 | Hans Bernhoff | 66352-032 | 3337 |
| 7590 | 01/17/2006 | | EXAMINER | |
| Dykema Gossett Suitw 300 West 1300 I Street N W Washington, DC 20005-3306 | | | PONOMARENKO, NICHOLAS | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2834 | |

DATE MAILED: 01/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|------------------------------|------------------------|---------------------|--|
| | 10/501,075 | BERNHOFF ET AL. | |
| Examiner | Art Unit | | |
| Nicholas Ponomarenko | 2834 | | |

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 09 July 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-24 and 26-29 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-24 and 26-29 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 09 July 2004 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3 pages

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ .

5) Notice of Informal Patent Application (PTO-152)

6) Other: ____ .

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "self-starting winding" of the generator must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: on page 7, lines 31-32, the specification refer to claim 25 for the description of the method of the operation of the device, which is not an accepted format.

Appropriate correction is required.

Claim Objections

3. Claim 1 is objected to because of the following informalities: words “turbine is includes” (line 6) appear as grammatically incorrect. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 7 and 8 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure, which is not enabling. The details of the “self-starting winding” including the description of “starting of the unit” are critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). Specification and drawings do not provide sufficient details to enable one of ordinary skill in the art to use or make the claimed features.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-6, 9-24 and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaston (US 4,494,007) and further in view of Elton et al. (5,036,165).

Gaston teaches a wind-power unit with a wind turbine and electric generator connected to the wind turbine with plurality of turbine blades running substantially vertically and connected to a turbine shaft running substantially vertically, and the generator is arranged at the lower end of the turbine shaft. The generator can be a DC generator (see column 1, line 20), which means it can be provided with permanent magnets. The shaft and the generator rotor are journaled in an axial bearing and the weight of the turbine is carried primarily by the turbine shaft, which also is functioning as a mast for the unit (see Figure 1, and 6).

Gaston does not teach a generator with high-voltage cable.

Elton et al. disclose a cable for high voltage apparatus such as dynamoelectric machines (see column 1, lines 25-27), including a current conductor 102, a first semi-conducting layer 104 surrounding the conductor, an insulating layer 106 of solid insulation surrounding the first semi-conducting layer, and a second semi-conducting layer 110 surrounding the insulating layer (Figure 1).

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Claims 2-5, 28 and 29 additionally claim operational conditions for the wind-power system and its generator, which become inherent for the system with a generator having a winding comprising high-voltage cable. It would be inherent for such generator to have 3-5 times the rated output, a winding with field strength exceeding 10 KV/mm, and for the wind-turbine be able to withstand operation with wind strength above 13 m/s or 25 m/s.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design a wind-power unit as taught by Gaston and to install a generator with a rotor having high-voltage cable as taught by Elton et al. in order to have system, which can operate in higher range of parameters for wind speeds and generator outputs.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant(s) disclosure.
9. When the claims are amended, applicant(s) should state in detail where in the original disclosure or in the drawings the amended features find support. No new matter may be introduced.
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Ponomarenko whose telephone number is (571) 272- 2033, Fax: (571) 273-2033, or to his SPE Darren Schuberg – (571) 272-2044.
11. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 2800 Customer Service Phone: (571) 272-2815

np

January 11, 2006



Nicholas Ponomarenko
Primary Examiner
Technology Center 2800